

## **Alternate Jurors**

### *Discharged*

*Note: If the alternate juror(s) are to be discharged once deliberations begin, the following instruction may be given:*

I want to thank you for your service at this trial. I appreciate your participation and attention. It may be disappointing not to participate in the deliberations but your availability to do so served an important role.

You will recall that I told you and the other jurors that you were not to discuss this case with anyone. While the other jurors are deliberating and until the case is over, you still must not discuss the case with them. Otherwise, the prohibition on discussing the case with others no longer applies. There is no law that requires that you discuss the case. At the same time, there is no law that prohibits you from discussing the case. Whether or not to do so is left entirely to your own individual discretion.

Again, thank you, and you are now excused.

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### *Retained*

*Note: If, after excusing jurors to deliberate, the alternate(s) are to remain, the following instruction may be used:*

The alternate jurors will please remain. You will be kept separate and apart from the deliberating jurors. And because you may yet be called upon to substitute for a juror, you still must not discuss the case [(among/between) yourselves or] with the other jurors or anyone else].